



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Inventor: Fischer, Jr.)
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For: **SYSTEM AND METHOD FOR**)
CONTROLLING TEMPERATURE)
AND HUMIDITY)

DECLARATION IN SUPPORT OF REQUEST FOR CERTIFICATE OF CORRECTION

I, Christopher J. Hayes, am applicant's attorney primarily responsible for the preparation and prosecution of the above-referenced patent application. This declaration is being filed in support of applicant's Request for a Certificate of Correction under 35 U.S.C. § 255 to correct a typographical error appearing in Claim 36. The term "total energy recovery wheel" in col. 25, line 4, should be replaced with the term "sensible energy recovery device."

The mistake is of a typographical nature and is of a minor character. Claim 36 is directed to an embodiment of the invention comprising a sensible energy recovery device, a dehumidification wheel, and a cooler. Element (c) recites a sensible energy recovery device and element (d) recites a dehumidification wheel. Element (f) recites the cooler and is clearly intended to specify the position of the cooler as being between the two previously recited elements. Thus, element (f) should state that the cooler is positioned between the *sensible energy recovery device* and the dehumidification wheel. However, due to a typographical error, it incorrectly states that the cooler is positioned "between the *total energy recovery wheel* and the dehumidification wheel." This is an obvious error since the claim does not recite a "total energy recovery wheel."

The specification describes two embodiments of the invention. One embodiment comprises a total energy recovery device, a dehumidification wheel and a cooler disposed in between. A second embodiment is described at Col. 9, line 42: "In another embodiment, the total energy recovery device 12 may be replaced with a sensible energy recovery device . . ." Claim 36 is clearly directed to the second embodiment as element (d) recites a "sensible energy recovery device." The only embodiment of the invention described in the specification having a sensible energy recovery device has a cooler positioned between the sensible energy recovery device and the dehumidification wheel.

Claims 1, 35, and 36 are directed to the independent apparatus claims of the invention. Claims 1 and 35 are directed to the embodiment of the system having a total energy recovery device and claim 36 is directed to the embodiment comprising a sensible energy recovery device. All of the independent claims have a similar structure. In each independent claim, element (d) recites either a total energy recovery device or sensible energy recover device, element (e) recites a dehumidification wheel, and element (f) recites a cooler and is intended to specify the position of the cooler between the two previously recited elements.

Because of the structural similarity of these claims (the only difference being element (d)), the claims were drafted using a "cut and paste" function. In drafting claim 36, after cutting and pasting the text of claim from a previously drafted claim, element (d) was changed to recite a "sensible energy recovery device". However, due to an oversight, I neglected to correct the reference to this element in connection with the description of the position of the cooler in element (f). As such, element (f) contains an obvious typographical error as this element describes the position of the cooler with reference to "a total energy recovery wheel," which is not recited in the claim. From the structure of the claims and a review of the specification, it is readily apparent that element (f) should be corrected to read that the cooler is positioned between *the sensible energy recovery device* (element (d)) and the dehumidification wheel (element (e)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

By:


Christopher J. Hayes
Registration No. 41,822
BRYAN CAVE LLP
211 North Broadway, Ste. 3600
St. Louis, MO 63102
Tele. (314) 259-2953
Facsimile (314) 259-2020